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ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

1.   Applicant's election of group I (claims 1-12) in Paper No. 7, is acknowledged. This

election was made without traverse.   Affirmation of this election must be made by applicant in

replying to this Office action. Claims 13- 27 withdrawn from further consideration by the

examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 U.S.C. § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject
matter which the applicant regards as his invention.

3.   Claims 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

4.   Claim 3 recites "listed on said lineup card." in lines 3.There is insufficient antecedent basis

for this limitation in the claim.

As to claims 4-6, refer to claim 3 rejection.

Claim 7 recites "wherein a presence of said datagram ." in lines 1.There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 U.S.C. § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 7-9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szkopek

et al. (5,878,221) in view of Koopman et al (5,450,404).

As to claim 1, Szkopek discloses a method for arbitrating use, of a network medium to

avoid collision caused by multiple nodes attempting to transmit data on the network medium at

the same timed the method comprising the steps of:

listening to a network medium to determine the medium is active or inactive (col. 35, lines

57-63, col. 40, lines 7-8);

establishing an active network server if the rnedium is inactive [If the network is idle

(inactive), node tries to assume the role of a ring master (active network server) (col. 35, lines 63-

col. 36, line 4); and

using centralized token passing for access to a the medium, the centralized token passing

controlled by the active network server (col. 39, lines 48-54).

Szkopek does not disclose the medium is active.

Koopman discloses a method for transmitting messages on a medium by a plurality of

transceivers. The implicit token slots (actual messages) are passed following the end of each

message when the communication medium is busy (active).

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to use Koopmans's teachings to modify Szkopeki's method by passing the tokens when the

communication in order to efficiently use the available communication media bandwidth fast

initialization and recovery from failures.

As to claim 7, Szkopek further discloses wherein a presence of said datagram is detected

by matching a specified preamble and length sequence [a MAC packet based token is used to

arbitrate access to transmission media (col. 37, lines 30-32). The MAC packet token is shown in

figs. 30-31. A line activity detector is used to sense the presence of a MAC packet (datagram)

exists on the line and a comparator is used to indicate the absence of the receive data (col. 28,

lines 58-67). The data packet as shown in figs 30-31 includes a preamble and a sequence of bits

used to detect the presence of a data packet signal (col. 18, lines 31-38)].

As to claim 8, Szkopek further discloses wherein access to the medium is provided by a

media access control layer (col. 33, lines 23-28).

As to claim 9, Szkopek further discloses wherein said media access control layer provides

control structures to implement a spare receive buffer large enough to hold a Media Access

Control Header (col. 18, lines 15-38, col. 40, lines 34-38).

As to claim 12, Szkopek further discloses wherein a preferred server node becomes said

active server node in response to a wake-up algorithm [a central hub (preferred node) becomes a

master node (active server node) in response to a wake-up algorithm shown in Fig. 34 (col. 35,

lines 54-67)].

7.   Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szkopek et al.

(5,878,221) in view of Koopman et al (5,450,404), as applied to claim 1 above and further in view

of Kryskow, Jr et al. (4,491,946).

As to claim 2, neither Szkopek nor Koopman discloses wherein the active: network server

maintains a lineup card that lists one or more active client nodes.

Kryskow discloses a communication system utilizing token passing to communicate over a

shared wire or bus onto which plurality of stations are connected (col. 2, lines 51-61). Master

stations (active network clients) have token access capability and are arranged on a token list (line

up card), one station only can own the token and is able to transfer messages (col. 2, lines 60-65,

col. 3, lines 18-31, col. 5, lines 4-14, col. 42-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to use Kryskows's teachings to modify the combined method of Szkopek and Koopman by

using a token list that lists the active stations (clients) to in order to reconfigure the

communication system according to change stations states to form new and different

communication system having different access mechanism protocols depending upon the

particular states of client stations.

As to claim 3, neither Szkopek nor Koopman discloses wherein the active network server

passes a token to a selected client node, the selected client node being one: of the one or more

active client nodes listed on the lineup card.

Kryskow discloses a communication system utilizing token passing to communicate over a

shared wire or bus onto which plurality of stations are connected (col. 2, lines 51-61). Master

stations (active network clients) have token access capability and are arranged on a token list (line

up card), one station only can own the token and is able to transfer messages (col. 2, lines 60-65,

col. 3, lines 18-31, col. 5, lines 4-14, col. 42-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to use Kryskows's teachings to modify the combined method of Szkopek and Koopman by

using a token list that lists the active stations (clients) that the token can be passed to in order to

reconfigure the communication system according to change stations states to form new and

different communication system having different access mechanism protocols depending upon the

particular states of client stations.

As to claim 4, both Szkopek (col. 36, lines 33-34) and Kryskow (col. 2, lines 60-67)

further discloses wherein the selected node is allowed to transmit data on the network medium

only when the selected node has the token.

As to claim 5, Kryskow further discloses wherein the selected node is removed from the

lineup card when the node has been inactive for a period of time (col. 4, lines 19-28, col. 32, lines

23-25).

As to claim 6, Szkopek further discloses wherein a new client node requests insertion on

the lineup card by using spitting on the bus algorithm (col. 5, lines 53-59).

8.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szkopek et al.

(5,878,221) in view of Koopman et al (5,450,404), as applied to claim 9 above and further in view

of Hales II et al. (5,925,105).

As to claim 10, neither Szkopek nor Koopman discloses further comprising the step of

sending a BUSY response from a receiving node to a transmitting node when the receiving node

is swamped with previous packet requests.

Hales discloses a method for communication between agents in an electronic conferencing

system that comprise a plurality of agents (nodes) coupled to a communication medium (col. 3,

liens 40-53). The communication medium may be any one of different various networks and such

as tokenring (col. 5, lines 23-28). The link manager has to inform the message sender when a

receiver has not handled the previous data packet. The communication services have a buffer

where they temporarily store inbound messages, and if the buffer is full (i.e the node is swamped

with previous packet requests) , the communication services signal the sender'communication

layer, which marks the channel as "busy" (col. 13, line 61-col. 14, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to use Hales's teachings to modify the combined method of Szkopek and Koopman by

sending a busy response to the sendig node when the buffer at the receiving node is full in order

to stop the pending messages from coming to the receiver causing an over flow of full buffer and

being lost.

9.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szkopek et al.

(5,878,221) in view of Koopman et al (5,450,404), as applied to claim 1 above and further in view

of Miller et al. (5,727,002).

As to claim 11, neither Szkopek nor Koopman discloses further comprising the step of

issuing an auto announce packet when a new node enters the network.

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to use Miller discloses a data transmission method, where a server issue an announce

packets to new clients to register with the server and the clients automatically respond to the

announce packets with registration packets (col. 6, lines 27-36).

Miller's teachings to modify the combined method of Szkopek and Koopman by issuing an

auto announce packet when a new node enters the network in order to register the new nodes to

the registered client list (token list).

10.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can

normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Glenton Burgess, can be reached on (703) 308-7492. The fax phone number for this Group is

(703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le

MOUSTAFA M. MEKY
PRIMARY EXAMINER